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9 **UNITED STATES DISTRICT COURT**
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11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **UNITED STATES OF AMERICA,**

13 Plaintiff,
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15 **DANIEL VILLALOBOS,**

16 Defendants.
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Case No: CR 14-132-GAF

**THIRD PARTY CITY OF
PASADENA'S JOINDER OF
GOVERNMENT'S MOTION TO
QUASH SUBPOENA REQUESTING
CONFIDENTIAL OFFICER
PERSONNEL RECORDS**

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23 PLEASE TAKE NOTICE that Third Party City of Pasadena hereby joins the
24 Government's Motion to Quash defendant's subpoena requesting confidential officer
25 personnel records.
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1 DATED: September 15, 2014

MICHELE BEAL BAGNERIS

2 City Attorney

HASMIK BADALIAN COLLINS

3 Deputy City Attorney

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5 By: /s/ - Hasmik Badalian Collins

6 HASMIK BADALIAN COLLINS

7 Deputy City Attorney

8 Attorneys for Defendant City of Pasadena

MEMORANDUM OF POINTS AND AUTHORITIES

I. CITY OF PASADENA JOINS GOVERNMENT'S MOTION TO QUASH SUBPOENAS REQUESTING CONFIDENTIAL INFORMATION TYPICALLY MAINTAINED IN A PERSONNEL FILE AS THE SUBPOENA PROCESS IS NOT THE APPROPRIATE METHOD OF OBTAINING THESE RECORDS

Third Party City of Pasadena has received a subpoena from the defendant requesting confidential records typically maintained in an employee's personnel file. These records are confidential and cannot be obtained by the simple use of a subpoena during the criminal discovery process.

In fact, there is a recognized method by which the defense may request the material information contained in the personnel files of testifying officers. This method was established in *United States v. Cadet* (9th Cir. 1984) 727 F.2d 1453 and later reiterated in *United States v. Henthorn* (9th Cir. 1991) 931 F.2d 29.

The subpoenas issued in this case appear to be an end-run on the proper methods established in both *Cadet* and *Henthorn*. Instead of a subpoena, the defense is required to request the relevant information from the prosecution – which will, in turn, trigger the prosecution's *Henthorn* duties. The City is equipped and ready to respond to the appropriate *Henthorn* request made by the prosecution in a fashion legally provided for by both federal case law and the Federal Rules of Criminal Procedure.

II. CONCLUSION

For these reasons, Third Party City requests that this Court quash defendant's subpoena requesting confidential records ordinarily maintained in an officer's personnel files.

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1 DATED: September 15, 2014

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PROOF OF SERVICE

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
CALIFORNIA**

**James Joseph Timphony and Scarlet Timphony v. City of Pasadena
Case No. CV14-04855-GW(ASx)**

I do hereby declare and state that I am employed in the County of Los Angeles,

I am over the age of eighteen years and not a party to the within entitled action. My business address is 100 North Garfield Avenue, Suite N210, Pasadena, California 91109.

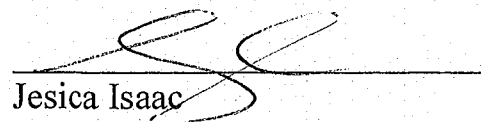
On September 15, 2014, I served the foregoing documents described as:
**THIRD PARTY CITY OF PASADENA'S JOINDER OF GOVERNMENT'S
MOTION TO QUASH SUBPOENA REQUESTING CONFIDENTIAL
OFFICER PERSONNEL RECORDS** on the interested parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

[X] BY MAIL:As follows: I am "readily familiar" with the City's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Pasadena, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I deposited such envelope in the mail at Pasadena, California. The envelope was mailed with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED on September 15, 2014, at Pasadena, California.


Jessica Isaac

SERVICE LIST

Angela L Scott

AUSA - Office of US Attorney

Criminal Division - US Courthouse

312 North Spring Street 14th Floor

Los Angeles, CA 90012

Stephanie E. Thornton-Harris

Christopher W. Dybwad

Federal Public Defenders Office

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